

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

GIBSON GUITAR CORP. )  
v. ) NO. 3:05-0523  
ELDERLY INSTRUMENTS, INC. ) JUDGE CAMPBELL

## ORDER

Pending before the Court are Plaintiff's Motion for Partial Summary Judgment (Docket No. 110) and Defendant's Motion for Summary Judgment (Docket No. 149). For the reasons stated in the accompanying Memorandum, Plaintiff's Motion for Partial Summary Judgment is DENIED, and Defendant's Motion for Summary Judgment is GRANTED in part and DENIED in part. Plaintiff's claim for breach of the "exclusivity clause" of the OAI Agreement is dismissed.

This action remains set for a jury trial on January 9, 2007, with a pretrial conference on December 29, 2006.

IT IS SO ORDERED.

Todd Campbell  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE